

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DERRICK HARGRESS,) CASE NO. C05-1338-RSL-MAT
)
Petitioner,)
)
v.) ORDER DENYING PETITIONER'S
) MOTION FOR APPOINTMENT OF
ROBERT PALMQUIST,) COUNSEL
)
Respondent.)
_____)

Petitioner is a federal prisoner who has filed *pro se* a petition for habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has also filed a motion for appointment of counsel. The court, having considered petitioner's motion, and the balance of the record, does hereby find and ORDER:

(1) Petitioner's motion for appointment of counsel (Dkt. #6) is DENIED. There is no right to have counsel appointed in habeas cases unless an evidentiary hearing is required. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); Rule 8(c) of the Rules Governing Section 2254 Proceedings for the United States District Courts, 28 U.S.C. foll. § 2254.

Although the court may exercise its discretion to appoint counsel for a financially eligible

01 individual where the “interests of justice so require” under 18 U.S.C. § 3006A, petitioner fails to
02 demonstrate that the interests of justice would be best served by appointment of counsel in this
03 matter. If the Court later orders an evidentiary hearing, the court will appoint counsel, assuming
04 petitioner qualifies as indigent.

05 (2) The Clerk shall direct copies of this Order to petitioner, to counsel for respondent,
06 and to the Honorable Robert S. Lasnik.

07 DATED this 29th day of September, 2005.

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09 Mary Alice Theiler
10 United States Magistrate Judge
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